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Canadian Transport
Commission

Commission canadienne
des transports

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Direction de l'exploitation
et des tarifs

Canadian
Transport
Commission
**Traffic, Tolls
and Tariffs**

Canada



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Commission canadienne
des transports

Traffic and Tariffs
Branch

Direction de l'exploitation
et des tarifs

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**Traffic, Tolls
and Tariffs**

Canada

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Canadian Transport Commission
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FOREWORD

Some time ago, a delegation from Transport Canada and the Canadian Transport Commission consulted with representatives of a wide range of rail transportation users. One of the things learned by the Commission as a result of these consultations was that a broad perception exists that very little is available in the way of recourse by shippers against perceived abuse by railways of their pricing freedom, and that any recourse which is available involves lengthy procedures and considerable expense.

The Commission saw two ways to alleviate this problem without the need for legislative action. One was a revision of the general rules of the Commission with the objective of shortening the time involved in the formal procedures of appeal provided for in the statutes, without interfering with or prejudicing the legal rights of the parties involved. This revision was accomplished with input from a large number of interested parties in the public sector, and the resulting revised general rules have recently been enacted to come into force on September 1, 1983.

The second way of alleviating the problem resulted from the observation that there existed a lack of awareness among shippers of the functions, responsibilities, and powers of the Commission in the area of railway rates and tariffs, and of the various avenues of complaint, appeal, or even mediation, available to shippers and the general public. The Commission felt obligated therefore to meet this perception problem by publicizing its rôle, and this pamphlet has been prepared in an attempt to meet this obligation.

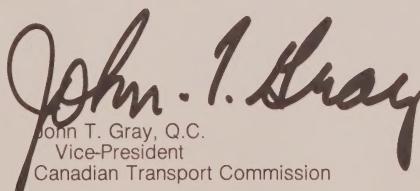
The pamphlet covers all matters over which the Commission has jurisdiction relating to pricing of all railway services: carload and non-carload freight and express, passenger service, as well as international bridges and tunnels. Also, it covers the Roadcruiser bus service in Newfoundland.

The pamphlet is in three parts. The first describes the statutory jurisdiction of the Commission. The pamphlet has attempted to make these descriptions simple, clear, and easily understood by the general public. The Commission believes that such format and style would better inform the public, but must caution the reader that should any inadvertent discrepancies exist between the contents of this pamphlet and the statutes, the words of the statutes, of course, must prevail.

The second part of the pamphlet describes the procedures which exist to deal with grievances by users of the various services, ranging from the simple and informal to the more complicated formal processes contained in the statutes.

The third part describes briefly, the responsibilities of the Commission with respect to the filing of tariffs by carriers subject to its jurisdiction. This part distinguishes to some extent between the responsibilities and powers the Commission does, and does not have.

The Commission hopes that you will benefit from the greater clarity and understanding this pamphlet is meant to achieve, and that you will be encouraged to avail yourselves of the assistance and services of our staff, whom I am sure you will find knowledgeable, competent, and anxious to help you.



John T. Gray, Q.C.
Vice-President
Canadian Transport Commission



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1.1 General

The Commission has jurisdiction over all aspects of transportation charges, services and conditions of carriage with respect to rail freight, rail passenger and rail express for carriers subject to the jurisdiction of the Parliament of Canada, the Roadcruiser Bus Service in Newfoundland, and the tolls charged on international bridges and tunnels. Complaints and applications may be made to the Commission pursuant to several statutory provisions, depending on the type and nature of the complaint. Limitation of liability for rail carriers must be approved or authorized by the Commission, but claims for loss or damage must be made through the courts. The Commission is granted the powers under Section 46 of the *National Transportation Act* (Chapter N-17, Revised Statutes of Canada, 1970) to issue orders and regulations with respect to any matters within its jurisdiction.

1.2 Rail Freight

Statutory provisions concerning the filing of tariffs are found in Section 275 of the *Railway Act* (Chapter R-2, Revised Statutes of Canada, 1970), which states that all freight tariffs and amendments thereto shall be filed according to the regulations established by the Commission. Section 275 directs that tariffs are to be filed at least 30 days prior to the effective date for tariffs increasing tolls, unless otherwise ordered by the Commission. The Commission has no power to suspend or postpone the effective date of a tariff. However, in certain circumstances, special permission may be granted by the Commission for a tariff to become effective in less than the prescribed 30 day notice period. Reductions in tolls come into effect immediately on or after the issuance of the tariff. Unless the tolls in a tariff are

disallowed by the Commission and provided, they are filed in accordance with Section 275, they shall come into effect on the stated date and are deemed to constitute the legal tolls applicable in accordance with the service affected thereby.

Part IV of the *Transport Act* (Chapter T-14, Revised Statutes of Canada, 1970) also applies to freight with respect to agreed charges. Section 32 sets the conditions for establishing agreed charges, applicability and exceptions. This type of agreement must be filed with the Commission under the same conditions as any other tariff. This section also allows for other shippers to become parties to the agreed charge with the carrier's consent, as well as for the application by a shipper to the Commission for the establishment of a fixed charge if a carrier refuses to allow a shipper to participate. If a carrier or shipper or association representing carriers or shippers believes that a business is placed at an unfair disadvantage or that an agreed charge is unjustly discriminatory, a complaint may be filed with the Minister of Transport pursuant to Section 33 of the *Transport Act*. If the Minister is satisfied that the complaint should be investigated in the public interest, he may refer it to the Commission for investigation.

Terms and conditions of carriage, including limitation of liability on carload freight traffic are found in Commission General Order T-5 (Consolidated Regulations of Canada, Chapter 1218). Under the provisions of Section 294 of the *Railway Act*, carriers may further limit their liability with respect to the carriage of any traffic below amounts contemplated by General Order T-5, providing such an arrangement

is concurred upon by the shippers concerned and approved by a specific order or regulation of the Commission. Disputes between parties arising from the non-settlement of loss and damage claims are appealable to the Provincial Court of competent jurisdiction and, therefore, lie outside the jurisdiction of the Commission.

Except in the case of statutory rates provided for in the *Railway Act*, Section 276 of the Act requires that all freight rates established by railways be compensatory, which is defined as exceeding the variable cost of the movement as determined by the Commission. At any time, the Commission may require the issuing company to furnish any required information to determine that the rates contained in the tariff are compensatory. After an investigation, if the Commission finds a freight rate non-compensatory, it may disallow that rate pursuant to Section 277 of the *Railway Act*. An investigation into whether a rate is compensatory or not can be activated by either a complaint or on the Commission's own motion.

If a shipper is dissatisfied with the rate applicable to his goods after negotiating with the railway involved and if there is no alternative, effective and competitive service available to him, he may, pursuant to Section 278 of the *Railway Act*, apply to the Commission for a determination of the range within which a fixed rate would fall. After the range is determined by the Commission, the shipper may apply to the Commission to fix the rate for the carriage of goods.

The Commission may then fix a rate which would equate to 250% of what it determines to be the variable cost of the movement, calculated on the basis of carloads of 30 000 lbs. in the standard railway equipment for such goods. Rates applicable to over 50 000 lbs. weights will be calculated by deducting, from the fixed

rate, one half of the variable cost savings for each full increment of 20 000 lbs. over the basic 30 000 lbs. minimum weight.

If the shipper accepts the fixed rate, he must enter into a written agreement with the railway within 30 days, undertaking to ship all of his traffic with that railway at the fixed rate for a period of at least one year. (Experimental shipments by other modes may be made with prior approval of the Commission.) After one year, the shipper may withdraw from the agreement with ten days notice, and the fixed rate will be cancelled. Also after one year, the Commission may alter the fixed rate if satisfied that the applicable variable costs have changed.

Section 23 of the *National Transportation Act* gives the Commission the power to remedy any situation where it is considered that the public interest is prejudicially affected. More specifically, if a person has reason to believe that an act or omission of a carrier or the effect of a rate established by a carrier may be prejudicial to the public interest in respect of tolls or conditions of carriage, that person may apply to the Commission for leave to appeal. Once the Commission has been satisfied that a *prima facie* case has been made, it shall undertake an investigation as is warranted, and make whatever Orders it may consider appropriate, or report its findings to the Governor in Council for appropriate action.

1.3 Rail Express and Non-carload

Sections 307 and 308 of the *Railway Act* state that no company shall transport any goods by express unless the tariff of tolls governing the movement is filed with the Commission and that no express toll shall be charged if there is a default in filing or if it has been disallowed by the Commission. Express tolls are defined in Section 2 of the *Railway Act*, which restricts the applicability of the Act to those express tolls for shipments which move either totally or partially by rail. In other words, if a shipment is moved without the use of the rail mode, the relevant tolls are not considered to be "express tolls" under the Act, and the Commission has no jurisdiction.

Movements handled over the highway fall within the purview of the specific provincial regulatory board. For convenience, a list of all such boards is attached as Appendix A.

Terms and conditions of carriage, including limitation of liability for the carriage of express and non-carload freight traffic, are set forth in Commission General Order T-43 (C.R.C. Chap. 1206). As in the case of rail carload freight, all disputes concerning loss and damage claims fall within the jurisdictional area of the provincial courts. Section 310 of the *Railway Act* contains similar provisions for express and non-carload movements to those found under Section 294 applicable to carload freight and concerning further limitation of liability.

By virtue of Section 305 of the *Railway Act*, the Commission may exercise, with respect to express tolls, the powers it is granted concerning freight tolls, with the exception of those under Section 278, and provided they are not inconsistent with other sections regarding the filing of express tolls and the limitation of liability of express companies. Section 264 of the *Railway Act* grants the Commission the

power to disallow, under certain conditions, a tariff of tolls for express movements and prescribe, or require to be substituted, a satisfactory tariff of tolls. This section is restricted to situations in which rail carriers are determined to be taking undue advantage of a monopoly situation, where there is no alternative, effective and competitive service by any carrier other than a rail carrier or combination of rail carriers.

Section 23 of the *National Transportation Act* has the same applicability to rail express traffic as already described for rail freight traffic.

1.4 Rail Passenger

Provisions governing the filing of passenger tariffs with the Commission are contained in Sections 282 and 283 of the *Railway Act* and limitation of liability for baggage handled in rail passenger service is set by Commission General Order T-23 (C.R.C. Chap. 1197). Once again, as in rail freight and rail express, disputes concerning loss and damage claims are the responsibility of the provincial courts.

Under very specific conditions as outlined in Section 280 of the *Railway Act*, the Committee is granted the power to suspend or disallow a passenger tariff or portion thereof which it considers unjust or unreasonable. Upon suspension or disallowance, the Committee may require the company to substitute a satisfactory tariff or may prescribe tolls in lieu of those suspended or disallowed.

Anyone having reason to believe that either a tariff of tolls for the carriage of passengers or the conditions contained therein are prejudicial to the public interest, may apply to the Railway Transport Committee for leave to appeal under Section 281 of the *Railway Act*. If the Committee concludes that a *prima facie* case has been made by the applicant, it may grant leave to appeal and conduct any investigation as is warranted. After a hearing, if the Committee finds that the tariff or conditions under appeal are prejudicial to the public interest, it may either order the prejudicial feature removed, or take any other action it deems proper, or it may report to the Governor in Council for appropriate action.

1.5 Roadcruiser Bus Service

Part III of the *National Transportation Act* applies to Extra-Provincial Motor Vehicle Transport, but only to "...such motor vehicle undertaking or such part thereof as is exempted from the provisions of the *Motor Vehicle Transport Act*...". The only such undertaking subject to Part III of the *National Transportation Act* is the Roadcruiser Bus Service in Newfoundland, having been exempted from the *Motor Vehicle Transport Act* in 1976 by Order-in-Council P.C. 1976-1832, and made subject to the jurisdiction of the *Motor Vehicle Transport Committee* of the Commission.

(References to "the Committee" in discussion of Roadcruiser, are to the Motor Vehicle Transport Committee, not to the Railway Transport Committee as found elsewhere in this publication.)

Provisions governing tolls and tariffs are contained in Section 40 of the *National Transportation Act*. These provisions are similar to those prescribed for railway passenger service in the *Railway Act*.

Under subsection 40(3), the Commission may disallow a tariff of tolls, or any portion thereof, which it considers non-compensatory and not justified in the public interest, or that unduly takes advantage of a monopoly situation.

The Commission has the power to suspend the effective date of a tariff filed by Roadcruiser if it has reason to believe that proceedings underway might result in disallowance.

1.6 Bridges and Tunnels

The CTC, by virtue of Section 9 of the *Railway Act*, has jurisdiction and control over the tolls charged for the use of "pedestrian, vehicular, tramway, street railway, railway or other like traffic on, over, across or through any international bridge" which is defined as any bridge or tunnel over or under any waterway running along or across the Canadian Boundary. While the Committee does have jurisdiction on tolls charged for the transit of buses across or through these bridges and tunnels, it does not have jurisdiction over the fares charged for the carriage of passengers on the tunnel bus operated between Windsor, Ontario and Detroit, Michigan or on any other such bus operation. These fares are considered part of a motor vehicle undertaking and fall under provincial jurisdiction. Committee control does not extend beyond the toll charged to the bus itself for the crossing.

Operators of an international bridge or tunnel are required by Section 320 of the *Railway Act* to file tariffs of tolls with the Commission and to charge only those tolls which have been so filed and are in effect. The Railway Transport Committee is not required to approve such tolls, but if any party complains that the tolls are unreasonable, unjust or contrary to the provisions of the *Railway Act*, they may make application to the Committee for relief. Section 321 of the *Railway Act* gives the Committee the power to suspend or postpone any tariff or portion thereof that in its opinion may be contrary to the provisions of Section 320 or 321, and the power to disallow a tariff or a portion of a tariff considered to be in violation of the Act and may require the substitution of a tariff or portion thereof that is satisfactory to the Committee. The burden of proving that the discrimination is not unjust, or that the preference is not undue, rests with the operators of the bridge or tunnel company.

1.7 Interim Relief

Sections 71 and 59 of the *National Transportation Act* allow the Commission, in special or emergency circumstances, to waive the usual notice requirements or to grant interim relief on matters that the Commission would normally be empowered to authorize, require or forbid. Interim relief shall be granted for no longer than necessary to enable the matter to be heard and decided upon. If sufficient notice is waived in emergency conditions, parties entitled to notice may apply to the Commission within a specified time period to amend or rescind the order or decision.

2.1 Enquiries

The Traffic and Tariffs Branch, on behalf of the Railway Transport Committee and the Motor Vehicle Transport Committee, handles requests and enquiries from other government departments, other levels of government, industries, associations and the general public on matters concerning tariffs and traffic distribution and patterns. These should be addressed by telephone, letter or telex to:

Executive Director
Traffic and Tariffs Branch
Canadian Transport Commission
Ottawa, Ontario
K1A 0N9

Telephone: (819) 997-2905
Telex: 053-4254 or 053-3615

2.2 Complaints

Complaints concerning matters related to rail or international bridge and tunnel rates, services, or conditions of carriage should contain a clear and concise statement of facts, and should be addressed to:

Secretary
Railway Transport Committee
Canadian Transport Commission
Ottawa, Ontario
K1A 0N9

Complaints concerning matters related to the Roadcruiser Bus Service in Newfoundland should be addressed to:

Secretary
Motor Vehicle Transport Committee
Canadian Transport Commission
Ottawa, Ontario
K1A 0N9

A copy of the complaint should be sent to the carrier or carriers (or bridge or tunnel authority) concerned. The Committee will direct the carrier or carriers to respond to the complainant within a specified time, usually 30 days, with a copy of the response to the Committee. Following receipt of this response, the complainant should make his position known to the Committee. A number of possibilities exist at this point, including:

- The response may have resulted in satisfaction of the complaint, and no further action by the Commission is required;
- The parties may have undertaken to negotiate the matter, and the Commission is requested to delay any further action pending the results of such negotiations; or
- The response has not satisfied the complaint, and neither party can foresee any positive results from further negotiations; the complainant wishes to proceed to seek resolution through the Commission.

In the latter situation, there are two possible courses of action. The complainant may make a formal application to the Commission pursuant to Section 23 of the *National Transportation Act* or whatever other section or act is appropriate, to which reference is made in Part 1 of this publication. The procedures involved are discussed later. Another alternative course of action is a simple and informal mediation process.

2.3 Mediation

The Traffic and Tariffs Branch of the Commission is delegated the responsibility to recommend and organize a simple and informal process of mediation in matters of dispute which have resulted in a complaint or formal application to the Railway Transport Committee.

Either party to the dispute may request that Traffic and Tariffs staff attempt mediation between them, and if all parties agree and there appears to be hope of positive results, staff will accede to the request, with the prior approval of the Chairman of the Railway Transport Committee.

Or, having analyzed the subject matter in dispute, and the stated positions of the parties, staff may recommend to the Committee that it attempt to bring the disputing parties together to explore the possibility of mediation. If all parties agree, a meeting will then be arranged. Commission staff conduct these meetings, and attempt to keep them as simple and informal as possible. They do not form part of the "legal process", so legal counsel is not present, and formal minutes are not recorded.

All parties are asked to state their positions clearly and simply. Free discussion is encouraged. Areas of potential compromise are explored and negotiation of any or all specific items of dispute is encouraged.

The results of such a meeting, or series of meetings, will vary. There have been instances where clarification and open discussion of the issues have resulted in compromise on both sides, an agreement signed by all parties, and the application withdrawn, all in the course of a one-day meeting. In other instances, discussion has been sufficiently promising that both sides have asked the Commission to delay proceedings on an application, so that further

negotiations between them can be attempted, and within a few weeks, applications have been withdrawn.

The results of this process are not always as described above. Even when the conflict is not resolved, however, there are benefits. The issues are usually clearer to all parties following such a meeting. If the matter proceeds as an application, the parties are more aware of how to proceed, and the Railway Transport Committee has the benefit of a clearer understanding of the issues and their background.

2.4 Applications

Applications relating to matters of public interest should be addressed to the Secretary of the Railway Transport Committee or, in the case of Roadcruiser, to the Secretary of the Motor Vehicle Transport Committee and should contain a clear concise statement of fact, the grounds for application, the name and sections of the statutes under which the application is made and the type of relief sought. Both the contents of the application and the format are specified in the General Rules of the Commission, copies of which are available upon request from the Secretary of the Railway Transport Committee or from the Secretary of the Motor Vehicle Transport Committee.

The applicant must serve a copy of the application on the respondent(s) who then has 30 days to submit an answer to the Commission with a copy to the applicant. The applicant then has ten days in which to provide whatever additional comments he may wish to make in reply to that answer.

If, where required by the relevant section, the Committee is satisfied that a *prima facie* case has been made, it will grant leave to appeal and institute an investigation of the act, omission or rate complained of. If not, the application is dismissed.

The next stage may be a prehearing conference attended by the parties involved and chaired by a member of the Committee (Commissioner) or by an officer appointed by the Committee. The purpose of this meeting is to secure agreement on particulars, to simplify the issues, to agree to use written evidence at the public hearing, to set the terms of reference or to settle other procedural matters related to the hearing.

The next steps in this process include possible distribution of a Commission staff report and the receipt and distribution of written evidence. The matter then is set down for public hearing (by Public Notice). Occasionally in the past, the Committee has secured agreement from all parties and has held a "file hearing", that is, a decision based on written evidence and arguments on file with the Committee.

At a public hearing, the applicant(s), respondent(s), and intervener(s), if any, appear before a panel of the Railway Transport Committee or in the case of Roadcruiser, a panel of the Motor Vehicle Transport Committee. All parties may appear, or call witnesses who will be subject to questioning and cross-examination, and may enter exhibits. Witnesses are duly sworn in and official transcripts of the hearing are produced. Following the hearing, the panel may give a "bench decision" or may adjourn to consider a decision, and issue it in writing at a later date.

2.5 Review and Appeal

All orders and decisions of the Commission are binding, but are subject to review and/or appeal.

Application may be made to the Commission within 30 days of communication of any order or decision of any modal Committee, for review of that order or decision under Section 63 of the *National Transportation Act*, which states:

“The Commission may review, rescind, change, alter or vary any order or decision made by it, or may re-hear any application before deciding it.”

Such an application, made to the Secretary of the Canadian Transport Commission, will be considered by the Review Committee which may dispose of the application itself, or refer the matter for review to the modal Committee which issued the order or decision.

The Review Committee will consider an application for review where it has been shown that:

- new and relevant facts have arisen which might have had an effect on the modal Committee’s decision;
- the modal Committee erred in law or jurisdiction;
- there was a breach of the rules of natural justice;
- there is an important matter of general principle involved.

The Review Committee is composed of the President, the Vice-President, the Vice-President (Research), and the Chairmen of the modal Committees. The Vice-President acts as Chairman and the Secretary of the Commission as Secretary. (Commissioners who took part in the decision under review do not participate in the review.)

Any order, decision, rule or regulation of the Canadian Transport Commission may be varied or rescinded by the Governor in

Council under Section 64(1), *National Transportation Act*, or appealed to the Federal Court of Appeal under Section 64(2), *National Transportation Act*. These sections of the Act are quoted below:

“64.1 (1) The Governor in Council may at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Commission, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order that the Governor in Council may make with respect thereto is binding upon the Commission and upon all parties.

(2) An appeal lies from the Commission to the Federal Court of Appeal upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from that Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as a judge of that Court under special circumstances allows, and upon notice to the parties and the Commission, and upon hearing such of them as appear and desire to be heard; and the costs of such application are in the discretion of that Court.”

3.1 Approval of Tariffs

As explained in Part 1, all railways subject to the jurisdiction of the Parliament of Canada and the Roadcruiser Bus Service in Newfoundland are required to file their tariffs with the Commission, in accordance with the effective legislation and Commission regulations. If a tariff is filed properly, whatever rates, fares, charges, or conditions it contains are legal and become effective on the date indicated. The Commission is responsible only for ensuring that tariffs are filed in accordance with the legislation and regulations; it is not responsible and does not have the authority to approve, disapprove, or amend the level of rates, fares, or charges. Disallowance of a tariff or part of a tariff is only possible if it has been shown to violate the law. This would normally result from an application to the appropriate modal committee, as discussed in Part 2.

Provisions concerning the filing of tariffs for international bridges and tunnels are found in Section 1.6 of this paper.

3.2 Inspection and Copies of Tariffs

The Traffic and Tariffs Branch is delegated the responsibility of ensuring that all railway tariffs (and those of international bridges and tunnels) and Roadcruiser tariffs, including bus parcel and charter tariffs, are filed in accordance with the relevant legislation and regulations, and to reject and return those which are not. This branch also maintains, on behalf of the Commission, official copies of all such tariffs which are filed and in effect.

Tariffs are required to be available for public inspection during normal business hours at appropriate offices of the issuing carrier(s) and at the headquarter's office of the Commission, at the following location:

Tariffs Control Division
Traffic and Tariffs Branch
Canadian Transport Commission
15th Floor
15 Eddy Street
Hull, Québec

Telephone: (819) 997-2905

The Commission, however, does not have the responsibility, nor does it have the facilities or resources to make available copies of tariffs on file with it. Copies of tariffs are available from the issuing carrier(s) or from the tariff bureaux which publish tariffs on behalf of carriers. A list of responsible officers of the various carriers and tariff bureaux is attached as Appendix B.

APPENDIX A

PROVINCIAL TRANSPORT BOARDS

Revised March 24, 1982

BRITISH COLUMBIA

Motor Carrier Commission
535 Phurlow Street
Suite 203
Vancouver, British Columbia
V6E 3L2

ALBERTA

Motor Transport Board
Room 5002
4920 51st Street
Red Deer, Alberta
T4N 5Y5

SASKATCHEWAN

Highway Traffic Board
2260 11th Ave.
Regina, Saskatchewan
S4P 3V7

MANITOBA

Motor Transport Board
Room 200
301 Weston Street
Winnipeg, Manitoba
R3E 3H4

ONTARIO

The Ontario Highway Transport Board
10th Floor
151 Bloor Street West
Toronto, Ontario
M5S 2T5

QUÉBEC

Commission des transports du Québec
585, boul. Charest Est
Québec, Québec
G1K 7W5

or

505, rue Sherbrooke Est
Montréal, Québec
H2L 4N3

NEW BRUNSWICK

The Motor Carrier Board
Provincial Government Building
110 Charlotte Street
Saint John, New Brunswick
E2L 2J4

NOVA SCOTIA

Board of Commissioners of Public
Utilities
Motor Carrier Division
Halifax South Postal Station
P.O. Box 3058
Halifax, Nova Scotia
B3J 3G7

PRINCE EDWARD ISLAND

Public Utilities Commission
Box 577
Charlottetown, Prince Edward Island
C1A 7L1

NEWFOUNDLAND

Board of Commissioners of Public
Utilities
Motor Carrier Division
P.O. Box 9188
St. John's, Newfoundland
A1A 2X9

CANADIAN TARIFF ISSUING OFFICERS

Freight Traffic Manager
British Columbia Hydro and Power
Authority
Railway Freight Service
260 12th Street
New Westminster, British Columbia
V3M 4H3
Tel.: 521-1966

Manager in Pricing
British Columbia Railway Company
P.O. Box 8770
Vancouver, British Columbia
V6B 4V9
Tel.: 986-2012, ext. 5060

Manager, Rail Division
Seaspan International Ltd.
10 Pemberton Avenue
North Vancouver, British Columbia
V7P 2R1
Tel.: 988-3111

Chief of Tariff Bureau
Canadian National Railways
123 Main Street
Winnipeg, Manitoba
R3C 2P8
Tel.: 946-2466

Agent
Canadian Freight Association
215 Garry Street
Winnipeg, Manitoba
R3C 3P3
Tel.: 942-3488

Tariff Publishing Officer
CP Rail
150 Henry Avenue
Winnipeg, Manitoba
R3B 0J7
Tel.: 946-3658

Traffic Manager
Algoma Central Railway
P.O. Box 7000
Sault Ste. Marie, Ontario
P6A 5P6
Tel.: 949-2113

General Manager, Marketing
CP Express, Division of Canadian Pacific
Express & Transport Ltd.
Suite E-325
2255 Sheppard Avenue East
Willowdale, Ontario
M2J 4Y1
Tel.: 498-8850

Traffic Representative
The Essex Terminal Railway Company
P.O. Box 2186
Windsor, Ontario
N8Y 4R8
Tel.: 252-2701

Director, Freight Marketing
Ontario Northland Railway (Ontario
Northland Transportation Commission)
195 Regina Street
North Bay, Ontario
P1B 8L3
Tel.: 472-4500

APPENDIX B

Gérant national Bureau canadien de surestaries 1162, rue St-Antoine Montréal, Québec H3C 1B5 Tel.: 861-1441	Directeur, divisions et tarifs Compagnie du chemin de fer Dominion Atlantique Gare Windsor, chambre 309 C.P. 6042, Station "A" Montréal, Québec H3C 3E4 Tel.: 395-7219
Superviseur des trafics La compagnie de chemins de fer Arnaud C.P. 878 Sept-Îles, Québec G4R 4L4 Tel.: 583-2621	Directeur Association des services de messagerie 1253, avenue Collège McGill Montréal, Québec H3B 2Y5 Tel.: 866-3469
Directeur général Le chemin de fer de Matane et du Golfe 206, rue Hébert C.P. 578 Mont-Joli, Québec G5H 3L3 Tel.: 775-4373	Superviseur des trafics Wabush Lake Railway C.P. 878 Sept-Îles, Québec G4R 4L4 Tel.: 583-2621
Directeur général, tarification Canadien National 3 ^e étage, gare centrale C.P. 8100 Montréal, Québec H3C 3N3 Tel.: 877-5500	Directeur des services à la clientèle VIA Rail Canada Inc. 1801, avenue Collège McGill Montréal, Québec H3A 2N4 Tel.: 286-2452
Agent du bureau des tarifs Association canadienne des services de marchandises 1162, rue St-Antoine Ouest Montréal, Québec H3C 1B5 Tel.: 861-8331	Directeur, détermination des prix La compagnie des chemins de fer de Jonction de Napierville Chambre 119 1117, Ste-Catherine Ouest Montréal, Québec H3B 1H9 Tel.: 849-4636
Directeur, divisions et tarifs Canadien Pacifique C.P. 6042, Station "A" Montréal, Québec H3C 3E4 Tel.: 395-7219	

APPENDIX B

Directeur, divisions et tarifs
Compagnie du chemin de fer Québec
Central
Gare Windsor, chambre 309
C.P. 6042, Station "A"
Montréal, Québec
H3C 3E4
Tel.: 395-7219

Directeur, divisions et tarifs
Toronto, Hamilton & Buffalo Railway
Company
Gare Windsor, chambre 309
C.P. 6042, Station "A"
Montréal, Québec
H3C 3E4
Tel.: 395-7219

La compagnie de chemin de fer du Littoral
nord de Québec et du Labrador
C.P. 1000
Sept-Îles, Québec
G4R 4L5
Tel.: 968-7432

Traffic Supervisor
Cape Breton Development Corporation
(Coal Division), DEVCO RAILWAY
P.O. Box 2500
Sydney, Nova Scotia
B1P 6K9
Tel.: 562-6480

Supervisor of Roadcruiser Service
TerraTransport
P.O. Box 310
St. John's, Newfoundland
A1C 5K1
Tel.: 737-5916

Marketing Manager
The British Yukon Railway Company
P.O. Box 4070
Whitehorse, Yukon Territory
Y1A 3T1
Tel.: 668-7617

Directeur, divisions et tarifs	Central	Gare Windsor, chambre 309	C.P. 6042, succ. chambre 309	Montreal (Quebec)	H3C 3EA	Tel.: 395-7219
Traffic Supervisor	Cape Breton Development Corporation (Coal Division), DEVCOD RAILWAY	C.P. 2500	B1P 6K9	Sydney (Nouvelle-Ecosse)	H3C 3EA	Tel.: 562-6480
Compagnie du chemin de fer Quebec	Gare Windsor, chambre 309	C.P. 6042, succ. chambre 309	Gare Windsor, chambre 309	Gare Windsor, chambre 309	H3C 3EA	Tel.: 395-7219
Central	Cape Breton Development Corporation (Coal Division), DEVCOD RAILWAY	C.P. 2500	B1P 6K9	Sydney (Nouvelle-Ecosse)	H3C 3EA	Tel.: 562-6480
Supervisor of Roadcruiser Service	Traffic Transport	P.O. Box 310	St. Johns (Terre-Neuve)	Toronto, Hamilton et Buffalo Railway Company	Gare Windsor, chambre 309	C.P. 6042, succ. chambre 309
Supervisor of Roadcruiser Service	Traffic Transport	P.O. Box 310	St. Johns (Terre-Neuve)	Toronto, Hamilton et Buffalo Railway Company	Gare Windsor, chambre 309	C.P. 6042, succ. chambre 309
Directeur, divisions et tarifs	Supervisor of Roadcruiser Service	Tel.: 395-7219	Tel.: 737-5916	Montreal (Quebec)	H3C 3EA	Tel.: 395-7219
Directeur	Marketing Manager	P.O. Box 4070	The British Yukon Railway Company	La compagnie du chemin de fer du Littoral	C.P. 1000	Tel.: 668-7617
Directeur	Whitethorn	P.O. Box 4070	Whitethorn (Territory of Yukon)	La compagnie du chemin de fer du Littoral	GAR 4L5	Tel.: 968-7432
Directeur	northern	Tel.: 668-7617	northern (Territory of Yukon)	La compagnie du chemin de fer du Littoral	Sept-iles (Quebec)	Tel.: 968-7432

AGENTS DE TARIFICATION CANADIENS

ANNEXE B

COMMISSIONS PROVINCIALES	DES TRANSPORTS	Édition révisée le 24 mars 1982	COLOMBIE-BRITANNIQUE	110 Charlotte Street	St. John (N.-B.)	535 Phuljow Street	Motor Carrier Commission	Motor Transport Board	ALBERTA	V6E 3L2	NOUVELLE-ÉCOSSÉ	Board of Commissioners of Public Utilities	Motor Carrier Division	Hallifax South Postal Station	P.O. Box 3058	Halifax	9420 51st Street	Red Deer (Alberta)	TRANSPORTS	SAKSATCHEWAN	2260 11th Ave.	Highway Traffic Board	Box 577	Charlottetown (I.-P.-É.)	C1A 7L1	42P 3V7	Utilities	TERRE-NEUVE	Board of Commissioners of Public Utilities	Motor Transport Board	Room 200	301 Weston Street	Winnipeg (Manitoba)	St. John's (T.-N.)	P.O. Box 9188	Motor Carrier Division	Room 200	ONTARIO	The Ontario Highway Transport Board	10th Floor	Toronto (Ontario)	151 Bloor Street West	555 2T5	QUEBEC	Commission des transports du Québec	585, boul. Charest Est	Québec (Québec)	505, rue Sherbrooke Est	Montreal (Québec)	H2L 4N3
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size constatation et exemples

La responsabilité de voir à ce que tous les tarifs ferroviaires (ainsi que ceux des points de terminus intermodaux) et les tarifs du service d'autocar Rodocruiser, y compris ceux des messageries par autocar et de la distribution, soient déposés par conformément à la Directive de l'exploitation et des tarifs. Elle tient également à jour au nom de la Commission des tarifs officiels de toutes les tarifs déposés et en vigueur.

La Commission des tarifs officiels de la Commission du Canada en matière de transport (Commission canadienne des transports) a l'adresse suivante : 156, rue Eddy Hull (Québec) G1M 2L9.

Division du contrôle des tarifs Direction de l'exploitation et des tarifs pour consultation durant les heures normales d'ouverture dans les bureaux propriétaires du (des) transporteur(s) émetteur(s) et au bureau de l'administration (des) transporteur(s) émetteur(s).

La Commission du Canada en matière de transport (Commission canadienne des transports) a l'adresse suivante : 15, rue Eddy Hull (Québec) G1M 2L9.

La Commission n'a toutefois pas la responsabilité ni les locaux ou les ressources nécessaires pour rendre disponibles des exemplaires de tous les tarifs qui sont déjà possédés. On peut les obtenir du (des) transporteur(s) émetteur(s), ou encore des bureaux du tarif qu'il appartient à l'annexe B à la liste des transporteurs.

On trouvera à l'annexe B la liste des transporteurs, leur(s), ou encore des bureaux du tarif qu'il appartient à l'annexe C au nom des transporteurs.

2.5 Révision et appel

2.4 Réquêtes

envoyée au secrétaire du Comité des

d'interêt public doit être adressée au secrétariat du Comité des transports par chemin de fer ou, dans le cas du service automobile Roadcruiser, la demande doit être

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SU

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2.3 Médiation

Le personnel peut aussi, après analyser de ter en lui donne l'autorisation, compléter l'ensemble des points à évaluer et le historique. Le personnel peut aussi, après analyser de la source du litige et des positions prises par les parties, recommander au Comité de tenir d'amener les opposants à accorder à ce sujet, on pourra organiser une réunion la possibilité d'une médiation. Si

officiel n'y est pas consigné. Les parties en cause sont priées d'ex- poser leurs positions de façon claire et simple. On encourage les échanges des deux parties et les compromis potentiels et la négociation de tous les points précis de l'application de certains articles. Dans certains cas, l'échange de deux parties peut être nécessaire pour arriver à un accord final. Les deux parties sont invitées à discuter de leurs positions et à trouver un compromis mutuellement acceptable. Les deux parties sont invitées à discuter de leurs positions et à trouver un compromis mutuellement acceptable.

La Direction de l'exploitation et des tarifs recommande d'organiser un processus de médiation simple et officielle en matière de litiges qui ont engendré une plainte ou une requête officielle au Comité des

2.1 Enquêtes

1.7 Arrangements provisoires

de celui-ci qu'il considère être en violation avec la Loi, ou encore exiger le remplacement avec la Loi, ou encore exiger le remplacement d'un tarif ou d'une partie de celui-ci par un substitut satisfaisant pour la Com- mission. C'est à la compagnie exploitante du port ou du tunnel que revient l'obliga- tion de faire la preuve que la discrimination n'est pas injuste ou que la préférence n'est pas abusive.

1.6 Points et tunnels

Les articles 11 et 59 de la loi nationale sur les transports autorisent la Commission à déroger, dans des situations spéciales ou d'urgence, les exigences relatives aux prévaux, ou à accorder un arrangement provisoire durant 12 mois pour normaliser une situation spéciale. La Commission autorise, d'exiger ou d'interdire. Cet arrangement temporaire ne dure qu'en temps réel pour renforcer l'efficacité en cause et prendre une décision à son sujet. Dans les cas de dérogation d'un délai normal, mal en situation d'urgence, les parties ayant normalement droit à ce délai peu- vent, dans une période de temps donnée, demander à la Commission de modifier la décision en question.

L'Article 320 de la Loi

1.4 LE TRANSPORT DE PASSAGERS PAR CHAÎNE DE FER

1.5 Le service d'autocar Roadcruiser

transports visé le transport extra-provincial par véhicule à moteur, mais ne s'applique qu'aux «entreprises de transport par véhicule à moteur et aux autres partis de ces

entreprises qui sont soustraites aux dispositions de la loi sur le transport par véhicules à moteur... Le service d'autocar Roadcruiser de Terre-Neuve est la seule entreprise de ce genre assujettie à la loi. La loi détaillée sur les transports de personnes dans la province de Terre-Neuve a été adoptée le 10 juillet de l'an dernier.

Le Comité a obtenu une aide financière de la part de la Commission canadienne de développement régional pour la construction d'un nouveau bâtiment administratif à Montréal. Ce bâtiment sera utilisé pour les bureaux administratifs et pour les services techniques et administratifs de la Commission. Le bâtiment sera construit en deux étages et sera doté d'un ascenseur. La construction devrait être terminée dans les prochains mois.

On trouvera à l'article 40 de la loi n° 94-471 du 21 juillet 1994 sur l'assurance maladie, les dispositions relatives à l'application de la loi sur les chemins de fer. Ces dispositions sont similaires à celles qui visent le transport de passagers par chemin de fer de la loi sur les chemins de fer.

La Commission peut, en vertu du paragraphe 40(3), refuser en tout ou en partie un tarif de taxes qu'elle juge non compensatoire et injuste dans l'intérêt public, ou encore, s'il y a un avantage indû de la situation de monopole. Elle a également le pouvoir de suspendre la procédure en cours si elle croit que la mesure est susceptible de entraîner un reflet.

Les dispositives au départ des tarifs des voyagEURS à La Commission figurent aux articles 282 et 283 de la loi sur les chemins de fer; quant à la limite de responsabilité relative aux bagages manuentionnées dans un service aux

1.3 Messageries et chargements inh

1.3 Messageries et chargements in-

trouvera à l'annexe A la liste de tous ces organismes.

1206, C.H.C.), précise les conditions du transport, y compris les limites de responsabilité ou le transport de marchandises par messagerie et par chargement int.

lesd'heures se situeraient un taux fixe. Cela fait, l'expéditeur peut demander à la Com-mission qu'elle fixe le taux de transport de mission qu'elle fixe le taux de transport de

Canada). Les dispositions de l'article 294 de la Loi sur les chemins de fer permettent en outre aux transporteurs de limiter leur transport de marchandises en ce qui concerne leur responsabilité en cas d'incident ou de préjudice. Par l'Ordinance générale 7-5, pour l'application des dispositions concernant les expéditions commerciales soit acceptée par une ordonnance ou un règlement pour les expéditions commerciales soit acceptée par les organismes de réglementation. Les différends, qui opposent des parties en raison du non-paiement de réclamations pour pertes, dommages et intérêts, peuvent faire l'objet d'un appel à la Cour provinciale ayant juridiction en la matière; ils peuvent être résolus dans le cadre d'un règlement amiable ou par un arbitrage. Les différends, qui opposent des parties en spécification de la Commission, sont résolus par une ordonnance ou un règlement pour une durée de deux ans à compter de la date de la spécification de la Commission.

1.1 Generalities

1.2. Le transport de marchandises par chemin de fer

On trouvera à l'article 275 de la Loi sur les chemins de fer (chapitre R-2, S.R.C. 1970) les dispositions statutaires concernant le dépôt des tarifs, on y stipule que tout traité de marchandises est à toute modification de ces-ci doit venir être déposés conformément aux règlements établis par la Com- mission. L'article 275 précise que les tarifs seront déposés au moins 30 jours avant la date de leur entrée en vigueur dans les cas de tarifs majorant une taxe, à moins d'un ordre contraire de la Commission. Elle n'a toutefois pas le pouvoir de suspendre ou de reporter à plus tard la date prévue.

mais peut, dans certains cas, accorder une date de paiement plus tard que la date prévue.

4.2 Le transport de marchandises par

1.1. **Generalités**

La Commission exerce sa juridiction sur tous les aspects des tarifs, services et conditions de transport en matière de transport de marchandises, de transport des passagers et de messageries par rail du Parlement du Canada. Elle exerce aussi sa juridiction sur le service d'autocar Routard et Terre-Neuve et sur les pâges impôses sur les points et dans les tunnes internationaux. Des plaintes et des réclamations sont déposées par les citoyens, conformément aux diverses dispositions statutaires. La limite de responsabilité des transporteurs fer-roviaires doit être approuvée ou autorisée par la Commission, mais toute réclamation pour pertes ou dommages étrangers doit être faite par la voie des tribunaux. Les pouvoirs conférés à la Commission en vertu de l'article 46 de la Loi nationale sur les transports (chapitre N-7, Statuts révisés du Canada de 1970) autorisent à émettre toutes les ordonnances et règlements pour toutes les questions relatives à la réglementation des services de transport par la voie des tribunaux. Les

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John T. Gray, C.R.
Le vice-président de la Commission
canadienne des transports

Il y a quelque temps, des représentants de Transports Canada et de la Commission canadienne des transports ont mené une consultation auprès de représentants d'un vaste éventail d'utilisateurs du transport ferroviaire. La Commission a appris, entre autres, au cours de cette consultation, qu'il existe un sentiment général très répandu chez les utilisateurs estimant être victimes d'abus de la part des compagnies ferroviaires dans le domaine des transports, qu'il contribue à la réalisation de certains objectifs de la nouvelle législation. La première constatation des Réseaux généraux de la Commission a donc été que la situation devait être améliorée la situation sans passer par la voie de la révision de la législation. La Commission a donc décidé de se concentrer sur les domaines relevant de la législation.

La deuxième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires, dans le but d'assurer la sécurité et la régularité des services, doivent établir des tarifs qui reflètent les coûts de production et de distribution des services. Ces tarifs doivent être établis de manière à assurer la sécurité et la régularité des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La troisième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La quatrième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La cinquième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La sixième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La septième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La huitième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La neuvième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

La dixième partie de ce rapport concerne les domaines relevant de la législation réglementaire. Les Réseaux généraux de la Commission ont constaté que les compagnies ferroviaires doivent établir des tarifs qui reflètent les coûts de production et de distribution des services, tout en tenant compte des besoins des utilisateurs et des fournisseurs de services.

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Commission canadienne Canadian Transport
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